John M. Reed, Appellant
P. O. Box 1544
Eugene, Oregon 97440

80-5451

UNITED STATES SUPREME COURT
Term 1980

NO.

RECEIVED
AUG 18 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JOHN M. REED, Appellant
vs.
DEL CHEMICAL CORPORATION Respondent;

JOHN M. REED, Appellant,
vs.
OREGON SUPREME & COURT OF APPEALS Defendant.

APPEAL TO THE OREGON SUPREME COURT AND COURT OF APPEALS *********

APPELLANT JOHN M. REED consolidates two issues In the Matter of Reed v. Del Chemical Corporation CA11078 & SC26938 44 OrApp 79(1980) of real & implied state statutes repugnant to the U. S. Constitution, for U. S. Supreme Court appeal review:

1. Denial of equal protection & due process of Oregon Workers Compensation Laws in force as of date of 3/10/70 compensable injury.

2. Unauthorized 7/21/80 Oregon Court of Appeals $132.00 cost & disbursements Judgment-Mandate against claimant Reed.

APPELLANT requests this court vacate the state court judgments.

JURISDICTION

REED files less then 90 days from 5/20/80 & 7/9/80 Oregon Supreme Court judgment-rullings and jurisdiction herein is 28 USC 1257(2).

QUESTIONS PRESENTED

OREGON'S APPELLANT COURT'S have refused findings of fact & conclusions of law de novo review of REED'S case(s) merits and refused to answer REED'S demands for their legal authority to deny him:

1. Laws in effect as of his injury date and agency hearing, ie, code-law; de novo circuit & appellant court review; reply briefs; reasons for denied motions; oral arguments; findings & law; ... .

2. Workers Compensation claim review free of unauthorized costs.

IS THE OREGON APPELLANT COURTS POSITIONS NOT REPUGNANT TO THE STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED?

CONSTITUTIONAL PROVISION

U. S. Constitution Article 6 (supreme law/state judges bound); Articles 1, 2 & 3 (seperations of powers); Article 1(10) (ex post facto laws/laws impairing contracts); Article 4(1) (full faith ..); Amend. 1 (speech/petition); Amend. 5 (due process/comp. for property)

Amend. 7 ($20.00 jury trial); Amend. 9; 10 (people rights); and Amend 14(1) (privileges & immunities; due process; equal protection)

Oregon Constitution Article1(1)people have inerent power and are equal); Article 1(8) (free speech); Article 1(10) (justice without purchase, complete, without delay/due course of law/property); Article 1(17) (jury trial in civil cases); Article 1(20) (equal privileges-immunities); Article 1(21) (no ex post fact laws or law impairing contracts); Article 3(1) (seperation of powers); Article 7(1) (judicial power vested in courts).

FACTS

April 26, 1978 the Oregon Workers Compensation Review Board reversed their Administrative Law Judge's July 29, 1977 aggravation hearing award concerning REED'S 3/10/70 compensable back injury.

Effective September 1, 1977, Section 65 Oregon Laws Chapter 804, transfered circuit court reviews of workers compensation cases to the Oregon Court of Appeals. (ORS 656.295(8); 656.298 (1977))

REED'S original injury and subsequent aggravation hearing both proceeded said September 1, 1977 law change date. And both code laws and comon laws protect his rights to laws in force as of the date of his original 3/10/70 compensable injury claim, ie, ORS 656.202; Eastman v. Clackamas 32 Fed 32 Ann Code & Stat. of Ore. Sec. 1-2304 Vol 1 (1902); Lisoski v The Embers 2 OrApp 60 (1970); Rosell v. S.I.A.C. 164 Or 173 (1940); Meaney v. S.I.A.C. 115 Or 484 (1925).

Coday v. Willamette Tug 250 Or 39 (1968); Hannan v. Good Samaritan 4 OrApp 178 (1970); Roles v. Bergerson 142 Or 131 (1933); Hoffmeister v. SIAC 176 Or 216 (1945) exhibit constitutional and statutory grounds mandating judicial review of administrative workers compensation orders .. de novo.

In the Matter of Reed CA11078; SC26938 (1980) was not only denied ORS 656.298(1970) circuit & ORS 656.301(1970) appellant de novo court reviews, with findings of fact & conclusions of law, but was

charged ORS Chapter 656 statutorally unauthorized court costs, notwithstanding that workers compensation laws are in derogation to other code laws and comon law, Vol. 99 C.J.S. Sec. 6 Page 51.

Although circuit court reviews of workers compensation board cases always included de novo review; findings of fact & conclusions of law; reasons for denied motions; reply briefs; oral arguments; adherence to code-law without undue comon-law additions .. the Oregon Court of Appeals and Supreme Court refuse to carry these duties into effect for REED, or allow a circuit court review, or give their reasons for said simple justice denials.

REED contends his constitutional; workers compensation; contract; vested and property rights are being violated by Oregon appellant courts twisting of statutes and refusal to respond to REED'S legal pleadings, which seek to find the courts authority for said denials.

CONCLUSION

REED seeks this courts appeal review Order the state court vacate judgments in the aforesaid case and proceed with a new judicial review under the laws in effect as of the date of REED'S 3/10/70 original compensable back injury.

BY /s/ John M. Reed, Appellant
P. O. Box 1544
Eugene, Oregon 97440

SUPREME COURT COURT of APPEALS

LOREN D. HICKS
State Court Administrator
378-6046

ADMINISTRATIVE OFFICE
SUPREME COURT BLDG.
SALEM, OREGON 97310

Telephone Area Code 503
Re Cases on Appeal 378-6035
Legal Counsel 378-6032
Oreg. Reports Editor 378-2002

July 9, 1980

THERE IS NO STATUTORY & LEGAL BASIS TO THIS COSTS EITHER!

Mr. John M. Reed
Box 1544
Eugene, Oregon 97440

Re: Reed v. Del Chemical Corporation
CA 11078

Dear Mr. Reed:

On May 19, 1980, the Court of Appeals denied your objections to the respondent's cost bill in the above-entitled case. On May 28, you submitted a motion "In the Supreme Court of the State of Oregon" to reverse or vacate the Court of Appeals' decision on your objections to costs.

The Supreme Court has today denied this latter motion on the ground that there was no basis in law for such a motion; consequently, the court did not reach or decide the merits of your motion.

Very truly yours,

David Gernant
Legal Counsel

DG:dj

cc: Mr. Richard W. Butler

7/10/80

JUSTICE TONGUE—
PLEASE RECONSIDER THE ABOVE "MOTION" AS YOU DID IN THE ATTACHED 12/12/79 "MOTION TO RECALL MANDATE."
CLEARLY! IF THE ON'E MOTION WAS VALID, THIS MOTION HAS LEGAL GROUNDS.
YOUR REFUSE TO JUDICIALLY REVIEW MY COST COMPENSATION DAS AND RULE ON SEVERAL LEGAL QUESTIONS — AND NOW TRY TO TWIST FROM RULING ON PUNISHING ME WITH UNSTATUTORALLY DEMANDED COURT COSTS ?

J.M. REED
P.O. BOX 1544; EUGENE, OR.

SUPREME COURT

COURT of APPEALS

LOREN D. HICKS
State Court Administrator
378-6046

ADMINISTRATIVE OFFICE
SUPREME COURT BLDG.
SALEM, OREGON 97310

Telephone Area Code — 503

Re Cases on Appeal 378-6035
Legal Counsel 378-6032
Oreg. Reports Editor 378-2602

May 21, 1980

John M. Reed
P. O. Box 1544
Eugene, OR 97440

Re: Reed vs. Del Chemical Corp.
CA 11078 SC 26938

Dear Mr. Reed:

The Supreme Court on May 20, 1980, denied Appellant's Petition for Review in the above-entitled matter.

Very truly yours,

Marilyn Hartley

Marilyn Hartley
Supreme Court Calendar Clerk

MH/vr
cc: Richard Butler

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Case Name:

In the Matter of the Compensation of

John M. Reed, Claimant

(Petitioner)

v.

Del Chemical Corporation,

(Respondent)

11078 (CA No.) | (Circuit Court No.) | (District Court No.)

County _____ Judge _____

WCB #77-75 (Agency No.) Judicial Review from Workers' Compensation Board

Date argued _____ Date submitted on briefs November 20, 1979

Before Richardson, Presiding Judge, and Joseph and Roberts, Judges.

John M. Reed, P. O. Box 1544, Eugene, (Name) — Petitioner (Attorney Pro se)

Richard W. Butler, Eugene (Name) — Respondent (Attorney for)

Date affirmed from the bench and date filed _____

Date affirmed without opinion (ORS 19.130) and date filed January 21, 1980.

John M. Reed
P. O. Box 1544
Eugene, OR 97440

Re: Reed vs. Del Chemical Corp.
CA 11078 SC 26938

Dear Mr. Reed:

The Supreme Court on May 20, 1980, denied Appellant's Petition for Review in the above-entitled matter.

Very truly yours,

Marilyn Hartley
Supreme Court Calendar Clerk

MH/vr
cc: Richard Butler

Notice of appeal
filed 8-18-80
confirmed by telephon

CERTIFIED MAIL NO. P116553197

P. O. Box 1544 Eugene Oregon 97440
Friday May 23, 1980

RECONSIDERATION AND
NOTICE OF APPEAL

To: Oregon Supreme Court Justice Linde:

You and the other justices are hereby requested to reconsider the above captioned cases denial on the grounds (1) no other layma has suffered more from the Oregon State Bar Association malicious vexation, as seen in the record of this case; (2) a verbal ex part communication between this court, Bar members and Travelers-Del Chemical lawyers, along with Oregon workers Compensation Deapartme officials, have conspired to defeat my case claim for compensation (3) employer failed to answer my prima facia motion claim they whe without jurisdiction in this case due to there lack of insurance coverage at the time of my compensable claim; (4) my case is uniq inthat public issues where raised as to contractual rights; oral argument rights; de novo review rights; and I was denied findings from the Court of Appeals when they supported reversal of my award aggravation rights; (5) not all the justices ruling in my cases wh elected as constitutionally mandated and (6) I have been denied th United States Constitutional 14th. Amendment rights~~articles~~ to th laws in effect as of the time of my compensatable injury ORS 656.2 and a sea of other constitutional rights, the justices are charged by oath to know, and that I will take on appeal should this court refuse me reconsideration

Said appeal will be in forma pauperis per 28 USC 1257(2) and transmisson of this case record to the US Supreme Court, certifed, is hereby requested should you deny my reconsideration chance to turn around the politics of the Oregon State Bar Association.

I need your help before all faith and trust in our judicial system is distroyed.

John M. Reed
Petitioner-Appellant

cc: parties

cert. true copy by.

NOV 14 PAGE 47

RECEIVED
NOV 10 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

ORIGINAL COPY

No. 80-5451

JOHN M. REED, Claimant,

Appellant

vs.

DEL CHEMICAL CORPORATION,

Appellee.

On Appeal From the Court of Appeals
And the Supreme Court of the State of Oregon

MOTION PURSUANT TO RULES 16(b) AND 16(d) TO
DISMISS APPEAL

Sidney E. Thwing, Counsel of Record
of THWING, ATHERLY & BUTLER
Attorneys for Del Chemical Corporation, Appellee

Richard W. Butler
Attorney at Law
P. O. Box 1758
Eugene, OR 97440
(503) 686-1503

TABLE OF CONTENTS

	Page
Citation to Opinions Below	1
Grounds for Dismissal	1
Argument	2
APPENDIX A - Decision of Referee of the Hearings Division of the Oregon Workers Compensation Board	4
APPENDIX B - Decision of the Oregon Workers Compensation Board on Review	5
APPENDIX C - Memorandum Opinion of the Court of Appeals of the State of Oregon	6
APPENDIX D - Notification that Petition for Review was denied by the Oregon Supreme Court	7
APPENDIX E - Petitioner's Brief and Abstract of Record in the Court of Appeals of the State of Oregon	8
APPENDIX F - Respondent's Brief in the Court of Appeals of the State of Oregon	9
APPENDIX G - Appellant's Petition for Review to the Oregon Supreme Court	10
APPENDIX H - Appellee's Response to Petition for Review in the Supreme Court of the State of Oregon	11

Authorities Cited

Statutes:

28 USC §1257(1) pg. 1, 2
28 USC §1257(2) pg. 1, 2
Or. Rev. Stat. 19.180(1) pg. 2
Or. Rev. Stat. 656.245(1) pg. 2

Supreme Court Rules:

Rule 16.1(b) pg. 1
Rule 16.1(d) pg. 1

THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

No. 80-5451

JOHN M. REED, Claimant,

Appellant

vs.

DEL CHEMICAL CORPORATION,

Appellee.

MOTION TO DISMISS

Appellant attempts to appeal the decision of the Court of Appeals of the State of Oregon in this Workers Compensation matter. The case is found at 44 Or App 79, ____ P2d _____ (1980) (Petition for Review denied by Supreme Court of the State of Oregon, May 20, 1980).

Appellee, Del Chemical Corporation, pursuant to Rule 16.1(b), (d), Rules of the Supreme Court of the United States, moves to dismiss the Appeal on the following grounds:

1. The decision of the Oregon Appellate Courts had nothing to do with the validity of a treaty or statute of the United States and no decision was made pertaining to the validity of any such treaty or statute. 28 USC §1257(1).

2. The decision of the Oregon Appellate Courts had nothing to do with the validity of a state statute attacked on the ground that it is repugnant to the constitution, treaties or laws of the United States and there was no decision made on the validity of any such statute. 28 USC §1257(2).

3. No substantial federal question is presented.

4. The judgment otherwise rests on an adequate non-federal basis.

ARGUMENT

We attach hereto in our appendix the decision of the referee of the Hearings Division of the Workers' Compensation Board, the decision of the Workers' Compensation Board on review, the Memorandum Opinion of the Court of Appeals of the State of Oregon and the notification that Appellant's Petition for Review was denied, sent to Appellant on May 21, 1980 by the Oregon Supreme Court calendar clerk. We also attach in our appendix the briefs filed in the Court of Appeals, consisting of Petitioner's Brief and Abstract of Record and Respondent's Brief and this Appellant's Appellant's Petition for Review and Appellee's Response to Petition for Review filed in the Supreme Court of the State of Oregon.

As can be seen from the Memorandum Opinion of the Court of Appeals of the State of Oregon (App. C pg 6) the Opinion and Order on review of the Oregon Workers' Compensation Board was affirmed by the Court of Appeals of the State of Oregon without opinion on January 21, 1980. The briefs filed by the parties reveal that no federal question, contemplated by 28 USC §1257(1)(2), was ever adequately brought before the Oregon Courts and was ever ruled on by the Oregon Courts.

The decisions of the Hearings Division of the Workers' Compensation Board and the Workers' Compensation Board itself show that the prime issue in the case was whether or not the claimant sustained an aggravation within the meaning of the Oregon Workers' Compensation law. The issues as delineated by the referee of the Hearings Division of the Workers' Compensation Board were as follows:

1. Compensability of claimant's aggravation claim.

2. Irrespective of compensability, claimant's entitlement to medical benefits under ORS 656.245(1).

3. If the claim is compensable, or the claimant is otherwise entitled to medical benefits, his entitlement to payment, or

reimbursement, for travel and lodging expenses, as well as other expenses, incurred in connection with his travel to the State of California to seek medical advice.

4. Claimant's entitlement to penalties because of employer and carrier's alleged unreasonable denial of the claim or failure to properly process the claim.

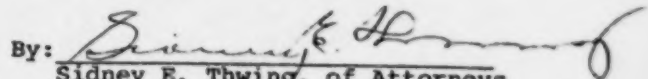
5. If proper, the extent of claimant's permanent disability. (App. A pg. 4(1, 2).

The documents contained in the appendix show that there is no substantial federal question involved here; that any alleged federal question sought to be raised by Appellant was not timely or properly raised, and clearly was not expressly passed on by the Oregon Courts. Furthermore, as the opinions of the referee, the Workers' Compensation Board and the rulings of the Court of Appeals of the State of Oregon show, the final judgment in this case rests substantially on an adequate non-federal basis in that the case was decided by the Workers' Compensation Board, and affirmed by the Court of Appeals of the State of Oregon without opinion, on the factual determination that claimant suffered a new intervening, independent injury which represented an off the job injury which is not compensable. The Workers' Compensation Board thereby approved the denial of the claim by the employer and its insurer. Pursuant to ORS 19.180, the Court of Appeals of the State of Oregon affirmed without opinion.

On the foregoing grounds, Appellant's appeal should be dismissed.

Respectfully submitted,

THWING, ATHERLY & BUTLER

By: 
Sidney E. Thwing, of Attorneys
for Del Chemical Corporation, Appellee

John M. Reed Appellant
P. O. Box 1544
Eugene, Oregon 97440

80-5451

UNITED STATES SUPREME COURT
Term 1980
NO. _____

RECEIVED
AUG 18 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JOHN M. REED, Appellant,
v.
DEL CHEMICAL CORPORATION Respondent;

JOHN M. REED Appellant,
v.
OREGON SUPREME & COURT OF APPELAS Defendant.

MOTION TO PROCEED IN FORMA PAUPERIS

APPELLANT REED moves for Order to proceed before this Court In Forma Pauperis after timely filing appeal notice & record demands attached (Rule 53(1)(2). BY /s/ JOHN M. REED, Appellate

STATE OF OREGON; County of Lane) ss AFFIDAVIT

I, Appellant John M. Reed, duly sworn do say:

Oregon appellant courts have denied me the equal protection of Oregon's 1965 Workers Compensation Act & laws in force as of the date of my compensable back injury, ie, code laws underogated by comon law revisions; de novo circuit court review; de novo appellate court reviews; reply briefs; oral arguments ... .

And denied seperation of powers principles by refusing me finding of fact & conclusions of law of administrative orders ... .

Judge's thus abridging my equal privileges or immunities of U.S. citizenship are depriving me of life, liberty & property without due process of law, as they are constitutional sworn to know it.

Additionally, the state appellate courts have mandated I pay court costs In the Matter of Reed CA11078; CA11762; CA11833; CA11965 although their is no statutory authority for said court costs.

I seek a constitutional test of said state courts statutory & implied authority aforesaid and request cost/fee waiver herein due to my poverty to pay or givesecurity, because my cause is legal-sound.

BY /s/ John M. Reed Appellant

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 15 DAY OF AUGUST 1980:
Notary Public for OREGON _____ My Commission Expires 2-4-81

ORDER

It is so ordered.

BY _____

Certified Mail No. P019324553; P019324554

P. O. Box 1544
Eugene, Oregon 97440

15 August 1980

RECEIVED
AUG 18 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Supreme Court Administrator
Oregon Supreme & Court of Appeals
Supreme Court Building
Salem, Oregon 97310

Richard Butler, Lawyer
For Del Chemical Corporation
P. O. Box 1758
Eugene, Oregon 97440

Notice of Appeal
and
Certification of the Record

Re: Reed vs. Del Chemical Corporation CA11078; SC26938
Oregon Supreme Court denied review May 20, 1980 (attached)

Reed vs. Del Chemical Corporation CA11078; SC26938
Oregon Supreme Court denied review July 9, 1980 (attached)

Gentlemen:

Undersigned will timely appeal per 28 USC 1257(2) the above captioned cases in forma pauperis to the United States Supreme Court.

Please prepare a certified record, the complete files, of the captioned cases for transmission to the U. S. Supreme Court, and notice all parties when said records are prepared.

BY /s/ John M. Reed Appellant

VERIFICATION

STATE OF OREGON, County of Lane ss.

I, John M. Reed being first duly sworn, say that I am the Appellant and that the foregoing Motion/Affidavit/Appeal/Notice/Record Demand Jurisdictional Statement is true as I verily believe.

/s/ John M. Reed

Subscribed and sworn to before me 8/15/80, 19

NOTARIAL SEAL

Notary Public for Oregon.
My Commission expires 5-4-81

CERTIFICATE — TRUE COPY — WELL FOUNDED IN LAW

I hereby certify that the foregoing copy of above is a correct copy of the original. That the said above in my opinion is well founded in law.

Dated 8/15/80, 19

/s/ John M. Reed
Of Attorneys for Appellant

ACCEPTANCE OF SERVICE

Due service of the within is hereby accepted in County, State of , on , 19 by receiving a duly certified copy thereof.

Of Attorneys for

CERTIFICATES OF SERVICE

PERSONAL

I certify that on , 19 , I served the within on attorney of record for the by personally delivering to him a correct copy thereof.

Of Attorneys for

AT OFFICE

I certify that on , 19 , I served the within on attorney of record for the , during his absence from his office by leaving a correct copy thereof with his clerk therein, or with a person having charge thereof, at Oregon.

Of Attorneys for

MAILING

I hereby certify that I served the foregoing above on Oregon State Court Administarator & Richard Butler, attorney(s) for State Appellant Courts & Defendant 8/16, 19 80, by mailing to said attorney(s) a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorney(s) at his or their regular office address, to-wit: Administrator; Oregon Supreme Court Bldg; Salem, OR and Butler; P.O.Box 1758; Eugene, OR and deposited in the post office at Eugene, Oregon, on said day. Between the said post office and the address to which said copy was mailed, there is a regular communication by U. S. Mail.

Dated , 19

/s/ John M. Reed
Of Attorneys for Appellant

P. O. Box 1544
Eugene, Oregon 97440
Tel. (503) 746-8529

ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER

BACKING SHEET

NOTE: See ORS 16.720(3). If the copy of the document named in the above certificate of mailing was mailed to an address other than the attorney's "regular office address," delete by lining out the words "regular office address, to-wit:", and state the address to which the document was mailed and the reason therefor.

FORM No. 1007— STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204

John M. Reed, Appellant
P. O. Box 1544
Eugene, Oregon 97440
Telephone (503)746-8529

DISTRIBUTED
NOV 12 1980

RECEIVED
NOV 12 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

UNITED STATES SUPREME COURT
October Term 1980
NO. 80-5451

JOHN M. REED, Appellant,
vs.
DEL CHEMICAL CORPORATION Appellee.

APPELLANT OPPOSING A MOTION TO DISMISS PER RULE 16(5)

STATE OF OREGON; County of Lane) ss Affidavit

I, Appellant John M. Reed, being sworn do say, I object to Appellees 11/6/80 Motion to Dismiss above captioned case on the grounds that:

1. Said Motion is untimely per Rule 16(1) inthat Appelles received Appellants Jurisdictional Statement by certified mail no. P019324554 August 16, 1980.

2. Attorney Richard W. Butler cannot act as Attorney Sidney E. Thwings surrogate in this case without court permission per Rule 5.

3. Although Section 32 of the 1789 Judicial Act says to ignor "any defect or want of form";Appellees motion would preclude this cases merits on technicalities because Appellant is unable to secure Oregon State Bar Association membership representation. 28 USC 1915

4. Appellee misleads the court by sending an incomplete case record knowing I cannot afford to furnish the missing Briefs, Motions, but .. I attach my 4/12/80 and 6/27/80 letters to Justices Denecke and Tongue, along with a newly filed 9/29/80 affidavit, to exhibit futile objection to Oregon Revised Statute 656; Civil Rights; and 28 USC 1257(2) wrongs.

5. The Oregon Workers Compensation Board and Courts twisting of law to deny In the Matter of Reed WCB Case No. 77-75 (1) the laws in force; (2) hearings and (3) freedom from employers cost bills is exhibited CA11965/SC26348(1979); CA11762/SC26347; CA11833/SC26346: CA11078/SC26938(1980) Briefs and SC26199; SC26953(1980) Alternative Writs of Mandamus, all of which have to do with WCB Case 77-75. And should be part of the record in this appeal.

6. The Oregon appellant courts rule and statutory citations have unconstitutionally denied me ORS Chapter 656 mandated administrative hearings; compensation; de novo circuit court reviews; de novo appeals court reviews; oral arguments; briefs; findings of fact & conclusions

COURT CLERK: PLEASE TRANSMIT TO JUSTICES.

of law and punished me with unauthorized losing party costs for objecting to their use of court rule 8.10 and ORS2.560(6) to stop laymens oral argument; ORS 19.180 to stop written judgments; ORS 2.520(5) to stop ORS 656.301(1970) appeals court reviews; employing a new definition of ORS 656.295; .298(1970) to stop circuit court de novo reviews .. notwithstanding ORS Chapter 656(1970) is in derogation of said legal manipulations and their rules and statutes are constitutionally repugnant per 28 USC 1257(2). as set out in my Jurisdictional Statement. Certainly, Appellants agrument that the Oregon appeals court had nothing to do with the aforesaid statute & rules twisting is without merit, but evidences the conspiracy in my attached 9/29/1980 letter to WCB Referee Daughtry, by reference, herein fully stated.

7. The issues in this case are substantial because of the thousands of injured workers being denied their ORS Chapter 656 administrative and judicial compensation protection. And the courts use of punishing cost judgments against already deprived injured workers. Additionally, this case shows the Oregon State Bar Associations use of the courts as a political weapon designed to reduce insurance costs and distroy me as the leading State of Oregon critic...and compensation law expert.

8. The record of this case shows I timely objected to unconstitutional denials of lawfull rights and unauthorized abuses of judicial duty, and the court had jurisdiction and power to protect said rights, but refused. Thus, Appellees Motion To Dismiss is requested to be denied!

October 10, 1980 I served this affidavit objection on Appellees lawyer Richard Butler; PO Box 1758; Eugene, Oregon 97440; by depositing true and correct copy of the foregoing in the United States Post Office with first class postage fully prepaid.

BY /s/ John M. Reed
pro se Appellant

Sworn to and subscribed before me this 7th. day of October 1980
Notary Public for Oregon _____ My Commission Expires 11-12-8

Certified Mail # P 13 18 43 648 Bar Office

P. O Box 1544
Eugene, Oregon 97440

April 12, 1980

Chief Justice Arno H. Denecke
Oregon Supreme Court Building
Salem. OREGON 97310

Re. Reed V. Del Chemical Corporation
CA 11078 SC 26938

Dear Justice Denecke:

This case is now before you to determine whether to grant it a review.

Since this case invelves a ten year struggle and a WCB Referee's reversed aggravation award by a WCB Review Board & Appellant Court unwilling to hear me; I respectivly request a conference with you to assure justice not be denied in this case.

Fundamental fairness in the administration of justice should allow my requested conference with you, and Respondent's lawyer. because it is public knowledge I lobbied against Bar and Board policies now being employed in this case, such as being denied:

1. Laws effective as of date of compensable injury. ORS 656.202

"Bills of attainder, ex post facto laws, and laws impairing the obligation of contract are contray to the first principle of the social compact and to every principle of sound legislation."
"The sober people of America are weary of the flucting policy which has directed the public councils. They have seen with regret and indignation that sudden change and legislative interferences in cases affecting PERSONAL rights become jobs in the hands of enterprising and influential speculators and snares to the more industrious and less informed part of the community." U.S. Constitution Article 1 Section 10; Madison: Federalist Papers No. 44.

April 11, 1980 the Court of Appeals sent word they will not rehear this case .. an expected political harpoon in the already disfigured body of justice.

This is the same court that allowed me to be "tried" under one set of laws and reversed under a new set of laws; accepted a prejudiced Review Board reversal of a Referee's award without specific reasons (citations), other then their foul ball-park call, that claimant was not brought to issue on at his hearing; denied circuit court review, oral argument, Reply Briefs, a true de novo judgment opinion of findings of fact and conclusions of law.

This is the court that knows I filed an Alternate Writ Of Mandamus April 3, 1980 to assure findings of fact and conclusions of law in this case; yet it moves to reject review before said Writ comes to life.

This is the same court that ignors my reconsideration Motions on the grounds the Review Board's reversal was based on "cause" and "employablity" issues not argued at my WCB Hearing. And if, they be vailed reasons to reverse my aggravation award, justice demands the Hearing be reopened to allow medical proof of "cause" and "employablity" thought lacking. It is clearly a dirty trick to use the ploy that said questions are "factual" and therefore precluding any proof or to not have the Referee clear-up the question by seeking expert medical opinion.

The ploy of saying one must meet a cause test or employment test in this case is repugnat to Workers Compensation Laws inthat neither are required under five year aggravation rights; negligence unless intentional, is not a factor; and such a comon law test flie in the face of the need for certainty in the law by allowing every judge along the way to make "factual" rulings or refuse to give a de novo ruling because the questions are "factual".

In short, no one trying to collect his aggravation rights can expect a judicial review because ALL such cases are based on FACTUA questions of cause and effect as to the relationship of the new aggravation claim to the old compensabile injury claim. Thus, the injured worker is at the mercy of a biased WCB wims and denied both his Workers Compensation Law right to de novo case reviews and seperation of powers right to judicial reviews of adminstrative orders

Further, it is impossible to carry-out the Workers Compensatio Act's intention to drop technical hinderences to recovery of injury insurance benefits as long as the courts close citizens out of thei case proceedings with the aforementioned trick or treat methods.

Therefore, I respectivly request a conference with you before the court consider my Petition For Review in this case.

Appellant, John M. Reed

Justice(s)
Richard Butler, Respondent Lawyer
P.O. Box 1758
Eugene, OREGON 97440

sent M P13 0752777 6/27/80 Friday

P. O. Box 1544
Eugene, Oregon
June 27, 1980

Justice Thomas H. Tongue
Oregon Supreme Court Building
Salem, Oregon

Re. Reed vs. Del Chemical Corporation CA11078 & SC26938 44 ORApp 79 (1980)

Justice Tongue:

Please review your June 23rd. letter to me for re-consideration of your position against my Petition for Review.

The fact that GIBSON and HUTCHISON supports SAHNOW, only tells us that Justices agree with their own conclusions, and want to ignor statutory and constitutional questions REED brings about SAHNOW'S limits on worker's compensation case reviews. Justice's used SAHNOW to make law, not at issue in the case, and now refuse to hear REED'S legal grounds for SAHNOW'S reversal. Even under SAHNOW'S review limits; the Court has a duty to review REED'S "Petition for Review" legal questions concerning SAHNOW. Right?

Further, both the Court of Appeals and Supreme Court (1) read opening & reply brief's; (2) heard oral argument and (3) issued written findings in GIBSON; HUTCHISON & SAHNOW. REED was denied all three judicial processes by both Court's. Even under SAHNOW; the Court has a duty to review REED'S "Petition for Review" when the Court below fails to issue JUDICIAL findings concerning the merits of administrativly resolved issues and subsequent Claimant's judicial "assignments of error". Indeed, doing away with Circuit Court reviews has not done away with ORS Chapter 656 judicial de novo review mandate and one should not be constitutionaly denied administrative review of injury cases, with or without "assignments of error". Right?

REED'S case presented issues of law being improperly applied to the facts, which where not in question. It was accepted fact that my orignialy operated on compensable back-disc-space narrowed (worsened), when I moved a light trunk, due to its weakened character ... an ongoing problem since said back operation. And I have been unemployed/unemployable since Del Chemical Corporation fired me when I reported a industrial injury. The WCB Review Board said the aggravation law (ORS 656.273) demands employment when injured and cause (negligence) can be used to reverse aggravation awards, notwithstanding these assumptions fly in the face of laws that say a "lifting" activity is not a "falling" or "slipping" accident (cause) and it is presumed that injuries are not "wilful" and "negligence" should play no part in judging aggravation claims (ORS 656.310). Even under SAHNOW; the Court has a duty to review REED inthat there has been no lower Court finding and Administrative findings are not in conflict as to the facts, but the law has been given meaning beyond legislative mandate and incorrectly applied to the facts in REED'S case. Right?

It is reasonably deducted that the Oregon Supreme Court has a biase against my cases inthat Petitions for Review have consistantly been denied in REED vs. DEL CHEMICAL CORPORATION 16 Or App 366 (1974); 23 Or App 213 (1975); 26 Or App 733 (1976); 40 Or App 485 (CA11762); 40 Or App 485 (CA11833)(1979); 40 Or App 599 (1979) and STATE EX REL REED vs. SCHWAB ET AL 287 Or 411 (1979) was used by Justic's to establish a predetermined legal president supporting their rule making authority favorable to monoplistic Bar Association oral argument restrictions, ie, the Court predetermination was exhibited when they refused to stay lower court rulings in cases then being reviewed for oral argument rights. By THE SUPREME COURT PROCEEDING

- STATE EX REL REED VS. SCHWAB SC 26953
FOR MANDAMUS; BRANCH DENIED APRIL 16, 1980
RE. COURT'S REFUSED FINDINGS DENIAL

COMMON-LAW TRADITION
CASE DECISIONS = PRECEDENT

Since ORS Chapter 656 now demands filing for, and an off-set from, Federal Social Security disability compensation; the Court is not acting "correctly" in ignoring REED'S alternative legal issue of a state disability award that reflects his federal total disability award should his aggravation award be denied. Nor is it "correct" to ignor my issues against refusal to pay medical expenses; court reversals of penalty awards; denied circuit court and appellate courts de novo reviews .... . Right?

After the 10 years of hellish state compensation litigation, that has ignored my job injury federal social security total disability award and employers denial of re-employment; do you not agree I am as deserving of Oregon Supreme Court review of my case as any of the 17 cases your going to hear next week? Is it not fair to add my case to those 17?

Indeed, not only are the aforesaid issues being ignored, but the Court's have ignored Motion's challenging Traveler's Insurance legal standing (jurisdictional) to represent Del Chemical Corporation, ie, the Nevada Del is different from the Wisconsin Del and no worker's compensation contract exsists between said employer-insurer, as testified to by a Del official.

If there still remaines doulbt as to Bench, Bar & Board biase against me or the Court's constitutional duty to review my case; I'll come to your Chambers with lawyer's in support of my position at a time you set .

Even under SAHNOW, which was painted into law when worker's had circuit and court of appeals reviews of administrative Orders; REED qualifies for review because no facts or law were JUDICIALLY reviewed with findings of fact and conclusions of law addressing demanded "assignments of error". Certainly, REED has not had his day in Court or a constitutional judicial review, thus violating seperations of power and contractual principles ... along with ORS Chapter 656 mandates and SPIRIT.

For all these reasons; I now request reconsideration of your, and the other Justice's, positions against my Petition for Review.

Regards, John M. Reed

Certified Mail

P. O. Box 1544
Eugene, Oregon 97440
Telephone (503) 746-8529

Monday September 29, 1980

Douglas W. Daughtry, Admin. Law Judge
Oregon Workers Compensation Board Hearings
555 13th. Street N.E.
Salem, Oregon

Chairman
Commission on Civil Rights
Washington, D.C.

Re: Claimant John M. Reed; WCB Case 80-7045; Travelers Insr. 133CB2906328

Sirs:

Del Chemical Corporation, employer, and Traveler's Insurance Company's, insurer, 9/26/80 MOTION TO DISMISS REQUEST FOR HEARING grounds were answered by attached May 30, 1980; June 17, 1980; & August 4, 1980 letters.

The following affidavit opposes said MOTION and exhibits facts of named parties knowing-willing violation of Reed's federal civil rights, for review, with corresponding Oregon State laws implied as if herein fully set-out ... 42 USC 1975c(a)(1-4); 1981; 1982; 1983; 1984; 1985; 1986 & 1988
18 USC 241; 371; 1001; 1505; 1509; 1621
15 USC 15 (1-7)(1)(4)

This is a 1965 Oregon Workman's Compensation Act case stemming from a March 10, 1970 original compensable back injury. Said Act is in derogation of all other law, 99 C.J.S. 6 pg. 51-2, to avoid comon-law, statutory rules of evidence, technical rules of procedure, achieve SUBSTANTIAL JUSTICE, without past unnecessary cost, O.R.S. 656.283(6); 656.004 (1970) and under the laws as of March 10, 1970 original injury date, O.R.S. 656.202 (1970); State v. I.A.C. 115 Or 484 (1925); Lamm v. Silver Falls 133 Or 468 (1929). And to be construed in favor of worker, Waibel v. S.C.D. 3 OrApp 38 (1970).

Parties to said Act evidence to by insurance CONTRACT, which is a PROPERTY, Roles v. Bergerson 142 Or 131 (1933); Shoemaker v. Johnson 241 Or 511(1965); 100 C.J.S 353(1-4) pg. 25-29); U.S. Constitution Art. 1 Sec. 9 (ex post); Sec. 10 (ex post & contract); Amendment 5 (due process & property); Amend. 14(1); Oregon Constitution Art. 1 Sec. 1; 8; 10; 17; 20; 21; Art. 3 Sec. 1.

STATE OF OREGON; County of Lane) ss. Affidavit

Claimant John M. Reed in the above captioned cases duly sworn says:

1. Employer/Insurer lacks jurisdictional standing for Motioning (Ex."A").
a. I was employed by the Del Chemical incorporated in Nevada not the one incoporated in Wisconsin. Nevada Del has no workers compensation policy.
b. My Del employment dates pre-date even Wisconsin Dels alleged policy.
c. Del Chemical posted no complience notice, ORS 656.056.; withheld no employee contribution, ORS 656.506; withheld no taxes; paid no insurance on my car used for their business; and was not "domesticated" to do business in the State of Oregon.
d. Del Chemical Regional Director Peake testified that Del had no workers compensation coverage on me. In the Matter of Reed WCB Case 71-2477 10/28/71 WCB Hearing; Transcript pages 28; 30; 45.
e. Del Chemical Corporation is no longer in business and past Traveler's payments to me have masked aforesaid defects, while using legal ruse continualy to diminish my compensation rights .. thus negating ORS Chapter 656 mandates; civil remedies against non-complience employer, ORS 656.020(1970); and ORS 656.054 state compensation payment responsibilities for non-complience employer Del Chemical Corporation.

2. Employers Motion is without statutory authority.

a. ORS Chapter 656 is in derogation to all other laws & pleading and practice forms, ORS 656.004(1970); 99 CJS 6; Hoffmeister v SIAC 176 Or 216 (1945).. no Motion To Dismiss hearing rights is mandated.

b. ORS 656.283 needs no legal construction or exceptions because it's language clearly, definitly & unambiguously mandates that:

> " .. any party or the board may at any time request a hearing on any question concerning a claim .."

The legislature would not intend a useless act of requesting a hearing that would not be allowed to produce facts, evidence, witnesses, written and oral arguements .. essential to constitutional equal protection and due process of law.

c. Further, Employers Motion is untimely, being filed 60 days after I requested WCB hearing of this case .. 10 to 20 day limit is usual.

3. Employers Motion grounds are without merit.

a. See attached May 30; June 17; and August 4, 1980 letters from Reed.

b. The Administrative Law Judge, whom I relied on, In the Matter of Reed WCB Case No. 77-75; Opinion-Order page 2, cited In the Matter of Joyce McCammon; WCB Case No. 75-5358; Review Board Order(22 VanNatta 28-30), said my 5 year aggravation rights ran from September 13, 1976 and defered rating degree of my disability to the Board. spura page 13-14. I am not trying to re-litigate the last judicially reversed aggravation award but have a new aggravation claim stemming from my 3/10/70 original compensable injury. And I want my federal social security total disabilty to be weighed in my state disability claim .. a constitutional right that has thus far been adminstrativly and judicially obstructed under color of laws by employer/insurer/board/court/bar conspiracy that invidiously discriminates against my equal protection/due process of ORS Chapter 656 and ORS 9.320 mandates. 14 US Constitution 1. Said conspiracy is malicious, intentional, wilful, wrongful, knowledgable, mutally agreed by all aforesaid parties who have participated in administrative and judicial proceedings in my claim since 3/10/70 to act under color of law, or ignor the law; deprive me of rights, privileges or imnities of the federal and state constitutions and federal and state laws. And deny me equal protection and due process of 14USCon.1. How can Employer say my times-up for having my social security ruling considered when the Board and Court have refused to consider the issue in my last two claim procedings and new laws came into play during the middle on my five year aggravation tolling time, that make social securit filing and off-sets mandatory in the State of Oregon?
How can the Employer say my times-up for having the Board carry into effect awarded penalties not payed by Employer, which are mandated collectable ORS 656.313 and not to "pass by operation of law" ORS656.234? Jones v. Emanuel Hospital 280 Or 147 (1977); Rak v S.A.I.F. 31 ORApp 125 (1977); Horn v. Timber Products 12 OrApp 365 (1973).

c. Normal operation of res judicata does not apply to ORS Chapter 656, Holmes v S.I.A.C. 227 Or 562 (1961); Board has continuing authority to alter earlier actions on claims, ORS 656.278 (1970); claimant's rights to medical services are not limited by passage of time, ORS 656.245; Amlin v. Edward Hines Lumber Co. 35 OrApp 691 (1978). In the Matter of Morgan WCB 77-2922 v. Stimson Lumber Co CA 11451 the Oregon Court of Appeals vacated their previous Order exhibiting action of the court after the facts were adjudged (1980)..withdrawing opinion.

4. Employer/Insurer/Board/Court/Bar/Butler conspiracy to violate my civil rights to ORS Chapter 656 mandated restitution and monopolize the practice of law by unlawful restraints of administrative-judicial tribunals is maliciously, capriciously, punishingly, invidiously, overtly evidenced:

a. Employer Lawyer Butler, in the same building with lawyers contesting my domestic relations case, supplied evidence alleging my original 3/10/70 injury denied, although still being litigated, which materially effected the outcome In the Adoption Matter of Reed Mult Cir Ct Case A21809(1971)

b. Employer forced years court proceedings to collect admittedly owed wages and penalties in Reed v. Del Chemical Lane Dist. Ct. Case A55-337(1971)

c. Employer, co-conspiritors, have exposed me to more hearings, medical examines and harmfulex-rays then any other Oregon claimant .. causing me compensation, economic, emotional, social losses and a residue of continued anxiety, fear, life support deprivation and world of work and community stigma.

d. Co-conspiritors have refused me legal aide and waged wars of attrition against my claims that has forced me to produce a mountain of letters; motions; briefs; etc. and devote years of time to adversary legal fights.

e. WCB Commissioner Moore falsely sworn Affidavit that I had not filed a Notice of Appeal (WCB Case 74-3291) was designed to violate my rights In the Matter of Reed v. Del Chemical 23 OrApp 213 (1975), which the court futher violated by ignoring their constitutional duty to review all the issues raised by claimant in the court below.

f. WCB Disability Prevention Division supplied Employer-Insurer-Board-Court with an unauthorized damaging 2/16/73 "Evaluation" of me illegally, that was used in a Board determination and is in aforesaid files for future underhanded damage to me..ref. WCB Case No. 73-2216(73) ORS 44.040(1)(h).

g. WCB A.L.J. Mulder sent Employer-Insurer lawyer Butler a 10/9/78 letter "advising" them to ignor my 9/18/78 Subpoena, authorized & signed by WCB A.L.J. Baker, demanding the production of workers compensation policy covering myself...although Mulder was without legal right, he delt a fatal blow to my jurisdictional objections in WCB Case 78-5608.

h. My attached June 27, 1980 letter to Justice Tongue shows that the court has never reviewed my cases as ORS Chapter 656 (1970) mandated/duty.

i. State ex rel Reed v. Schwab et al 287 Or 411 (1979) denied me the same appellant court oral arguement rights given to lawyers by court rule 8.10 and ORS 2.560(6) rule making power, although rule 8.10 violates our constitutional seperations of power and ORS Chapter 656 is in derogation to ORS 2.560(6), which is being misused to form substantive law, rather then procedual law. The same thing is being done by the Court of Appeals use of ORS 19.180 (memorandum) to deny me findings of fact and conclusions of law in my cases and the Oregon Supreme Court use of ORS 2.520(5) (review as court rules provide) to deny me ORS 656.301(1970) de novo case reviews.

j. Reed v Oregon Appellant Courts No. 80-5079 and Reed v Del Chemical WCB Case No. 77-75 are now before the US Supreme Court 28 USC 1915; 28 USC 1257(2) as to aforesaid denial of "findings of fact and conclusion of law" by said appellate courts, but technical obsticles are baing raised by Bar/Bench/administration of justice lawyers.

I will be damaged severly economicaly/emotionaly/socialy/physicaly if this charade is not ended. I move that Employers aforesaid Motion be denied and my constitutional and statutory issues be reviewed by WCB Hearing.

BY CLAIMANT JOHN M. REED

SUBSCRIBED AND SWORN TO BEFORE ME 9/29/80

Notary Public for Oregon. My Commission Expires 3/14/84

Certified Mail No. P01 932 1547 mailed 8/4/80 Monday

Workers Compensation Board
Hearings Division
555 13th. Street N. E.
Salem, OREGON 97310

Travelers Insurance Co.
707 S. W. Washington
Portland, OREGON 97205

HEARING REQUEST NOTICE:

The undersigned claimant requests WCB Hearing on the disputed issues of his right to have employer/state (1) honor his federal social security total disability award; (2) accept a new aggravation claim & (3) re-instate awarded penalties not payed by employer, plus new penalty.

The Board previously agreed to review my social security issues in the event the Courts failed to address it and McCammon WCB Case No. 75-5358 (1977) 32 Van Natta's 28 says aggravation rights run from date of final judicial determination and Reed WCB Case No. 77-75 (1977) WCB Opinion & Order agreed. Thus my 5 year aggravation rights run from September 13, 1976 to September 13, 1981.

Employer, Del Chemical Corporation of Nevada is no longer in business but attached are correspondences with their alleged insurer, The Travelers Insurance Company (Oregon offices) of Hartford, Connecticut.

Copies of this letter being sent all parties.

Claimant,

John M. Reed
P. O. Box 1544
Eugene, Oregon 97440

Incl. Reed to Traveler letter dated 6/17/80
Travelers to Reed letter dated 6/10/80
Reed to Travelers letter dated 5/30/80
McCammon WCB Case 75-5358 July 19, 1977 WCB Review Opinion

Justice scolds his colleagues for work load

EUGENE REGISTER-GUARD, Eugene, Oregon, Wednesday, June 4, 1980

SALEM (AP) — Oregon Supreme Court Justice Thomas Tongue, in an unusual dissenting opinion, scolded his colleagues Tuesday and charged that the court isn't working up to its capacity.

Tongue released his opinion as the court decided 6-1 against reviewing a lower court ruling involving rights of police to stop motorists.

Tongue said the case raised important issues that the court should have considered.

Although the numbers of Supreme Court opinions have declined in recent years, Tongue said, the court majority still is concerned with limiting the workload and is refusing to hear cases "which should and could be decided by it if this court is able (and willing) to work to the full extent of its capacity."

Under a change begun in 1978, virtually all appeals from lower courts have gone first to the Court of Appeals, with the Supreme Court deciding which of that court's rulings it will review.

The case that Tongue wanted the Supreme Court to consider involved the Lane County robbery conviction of Allen Beason.

Beason was arrested after a car he was in was stopped in Springfield because police suspected the driver of being drunk.

Police decided that the driver wasn't intoxicated but then checked the auto's registration and learned that the car was suspected of having been involved in the robbery of a Springfield gas station. Beason was charged with the robbery.

The Court of Appeals upheld the conviction. The Supreme Court originally agreed to review that ruling to decide how much power police have to detain motorists after deciding not to charge them with a traffic violation.

The court said Tuesday, in effect, that it shouldn't have agreed to review the case because Beason, not being the driver of the car, had no grounds to challenge the police stop of the auto.

Tongue accused his colleagues of being "inconsistent, if not schizophrenic" because the court has decided other cases "upon grounds which had not been urged, much less argued, by either party."

The court's action, he said, conveyed the impression that the court majority "is reluctant to face up to a decision on the important question presented by this case involving the validity of a common police practice.

"Of equal concern is the question of how well and how responsibly the members of this court are performing their

greater question that Ignatius Loyola, the founder of the Jesuits, incessantly posed to Francis Xavier, who was to become the first Jesuit saint: What does it profit a man to gain the whole world and to suffer the loss of his own soul?

Torts

MENTAL ANGUISH—

Virginia man can recover tort damages for severe emotional distress caused by tortfeasor's intentional, outrageous conduct even if emotional distress is unaccompanied by physical injury.

A private investigator appeared at the injured party's home and told him that she was a reporter writing an article about a skating rink. She asked the injured party, who was a coach at the rink, if she could take a picture of him for publication with the article and he readily consented. Shortly thereafter, the investigator delivered the photograph to an attorney who is representing a client charged with sexually molesting two young boys. At a preliminary hearing, the attorney showed the injured party's photograph to the boys and asked them if the man in the photograph was the one who molested them. They replied that he was not, and the attorney withdrew the photograph. The commonwealth's attorney then requested to see the photograph and asked for additional information about the person shown in it. As a result, the injured party was required to appear at the proceedings. After his appearance, the injured party was questioned several times by the police and was summoned to appear as a witness before the grand jury.

The injured party testified that he suffered great shock, distress and nervousness as a result of the investigator's deceitful conduct in obtaining his photograph and turning it over to be used in court. He suffered great anxiety as to what people would think of him and had been unable to sleep while the matter was being investigated. His wife also testified that her husband experienced great shock and mental depression from the involvement.

The photograph of the injured party in no way resembled the criminal defendant, and the only excuse given by the investigator for taking the picture was that the injured party was at the rink when the criminal defendant was arrested.

The precise issue presented by this case has not been decided by this court. Courts from other jurisdictions are split on whether there can be recovery for emotional distress unaccompanied by physical injury. However, the trend in recent years has been that there may be recovery against one who by his extreme and outrageous conduct intentionally or recklessly causes another severe emotional distress.

[Text] We adopt the view that a

SOVEREIGN IMMUNITY—

Doctrine of sovereign immunity is no longer valid defense in tort suits against state of New Mexico or any of its political subdivisions.

The doctrine of sovereign immunity is one of common law, judicially created. It has always been a judicial creation without statutory codification and therefore, can be put to rest by the judiciary.

[Text] The original justification for the doctrine of sovereign immunity was the archaic view that "the sovereign can do no wrong." It is hardly necessary for this court to spend time to refute this feudalistic contention. This and all other rationalizations which have been advanced to justify continued adherence to this doctrine are no longer valid in New Mexico. The argument has been presented that the elimination of sovereign immunity will result in an intolerable financial burden upon the State. We believe it is safe to say that adequate insurance can be secured to eliminate that possible burden in a satisfactory manner. In addition, it would appear that placing the financial burden upon the State, which is able to distribute its losses throughout the populace, is more just and equitable than forcing the individual who is injured to bear the entire burden alone. There are presently in New Mexico no conditions or circumstances which could rationally support the doctrine of sovereign immunity. • • •

Several times in the recent past this court has cast aspersion upon sovereign immunity • • •. But unfortunately, in those cases, the issue was not squarely before us, as it is today. Thus, we take this opportunity to rid the State of this legal anachronism. Common law sovereign immunity may no longer be interposed as a defense by the State, or any of its political subdivisions, in tort actions. Sovereign immunity was born out of the judicial branch of government, and it is the same branch which may dispose of the doctrine. It can no longer be justified by existing circumstances and has long been devoid of any valid justification. In so doing, we join the growing number of States which have judicially abolished it.

We recognize that this is a far-reaching decision which, at first blush, does violence to the doctrine of "stare decisis." However, we do not feel that "stare decisis" should be used to perpetuate the harsh and unjust results which blind adherence to sovereign immunity rules mandated. We concede that there was ample authority which influenced our predecessors in adopting and upholding the doctrine of sovereign immunity. We also say that there is better reasoned authority to overturn it. We simply conclude that its continuance is causing a great degree of injustice. [End Text]—Montoya, J.

—NM SupCt; Hicks v. New Mexico,

Court rules non-attorney can't give oral argumen

From Wire Service Reports

SALEM — A non-attorney acting without counsel does not have the right to orally argue his case before the state Court of Appeals, the Oregon Supreme Court ruled Tuesday.

The Supreme Court said the Court of Appeals has the authority to limit oral argument to those "professionally able to enlighten the court and respond to its questions in a legally knowledgeable manner."

John Reed, who was involved in the appeal of four workers' compensation cases, had claimed that the rule prohibiting non-attorneys from giving oral arguments before the appellate court was discriminatory. Persons acting as their own counsel are allowed to submit written briefs.

The Supreme Court opinion by Justice Edward Howell upheld the rule and said it does not deny the constitutional right to due process.

PORTLAND (AP) — A Portland judge says an appeal against a court order by a savings and loan association represents the association's effort to avoid paying the costs of a legal judgment.

Judge Pat Dooley of Multnomah County Circuit Court made the statement in his reply to the Oregon Supreme Court in a case involving Benj. Franklin Federal Savings and Loan Association of Portland.

A suit filed against the association five years ago resulted in Dooley's judgment that the association must reimburse an estimated 26,000 home mortgage borrowers.

Dooley ordered the association June 22 to make the payments immediately. The association said in its appeal that it should have to pay only those borrowers who file claims for the court-ordered reimbursement.

Dooley told the high court that the association is trying to create an obstacle that will result in its being able to keep the reimbursement owed to borrowers who, for some reason, do not file claims. The Supreme Court will decide the issue later.

Dooley originally ruled that the association had illegally failed to pay interest on the borrowers' tax and insurance reserve accounts. The association appealed the original ruling unsuccessfully to the Oregon and U.S. Supreme courts.

'Round the State

EUGENE REGISTER-GUARD, Eugene, Oregon, Saturday, August 11, 1979

EUGENE REGISTER-GUARD, Eugene, Oregon, Wednesday, July 25, 1979

SUPERHEROES
SUPERMAN, YOU ARE REPRESENTED BY COUNSEL, AREN'T YOU?
NO, YOUR HONOR--I'M ACTING AS MY OWN ATTORNEY!
IN COURT, SUPERMAN IS HANDED A TEMPORARY RESTRAINING ORDER—PROHIBITING HIM FROM FLYING OVER METROPOLIS FOR FIVE DAYS...
Pat to Paul Collins

EUGENE REGISTER-GUARD, Eugene, Oregon, Wednesday, September 26, 1979

...BECAUSE I'VE AUTHORIZED THESE — THE ENTIRE HARVARD LAW CURRICULUM!
¿ANP!?
IT TOOK ME A WHOLE HALF-HOUR BUT IT WAS WORTH IT!
YOU KNOW THE SAYING--IF "THE MAN WHO IS HIS OWN LAWYER HAS A FOOL FOR A CLIENT...
BUT NOT ME, SIR...

Repeal Chapter 9

Why not repeal (ORS Chapter 9) special interest monopolies of (1) taxpayers' law schools; (2) trade bar associations; (3) administration of courts, agencies, legislatures and executive offices, in favor of (A) economically trained "law librarians"; (B) do-it-yourself simplified law booklets; (c) non-adversary proceedings and (D) freedom of choice non-lawyer representation?

M. 15-year effort to reduce courtroom obstructions has earned Oregon judges and lawyers lawless vengeance that only an educated public can abate by unfearfully replacing lawyers' greed with librarians' legal services.

It makes no sense to finance public law schools run by a trade monopoly; franchise state police powers to a trade mondpoly; pig-latinize simple legal principles; complex court rules; license lawyers'-judges' common-law "discretionary" and "reconstructionary" power to ignore code law!

End the rubbish of not knowing how to compose a "complaint"; which name to give a "writ"; what "court" to seek redress; appeals of insanely technical "rules of evidence" and "adversary proceedings" with (1) plain English dispute forms; (2) fact-controlling adjudication rights; (3) departmentalized "State Court" and "Supreme Court"; (4) investigative proceedings subject to code law and free of profiteering lawyer coercion!

Corporate interest law schools employ the everything-is-relative brainwashing doctrines to students' moral sense of right and wrong; promise conformists profitable status; and create knights to continue corporate-monarchical control of you, your property, your wealth and national institutions. Repeal ORS Chapter 9!

JOHN M. REED
Chairman, Committee to End Lawyers' Monopolies
1295 B St.
Springfield

Repugnant rule

Yesterday's Guard (9/26) published the Oregon Supreme Court's self-serving ruling (SC 26199) to limit appellate oral argument to lawyers "professionally able to enlighten the court and respond to its questions in a legally knowledgeable manner," but failed to broadcast my rebuttal (Re. State of Oregon ex rel John M. Reed, Relator vs. Herbert M. Schwab, Defendant):

1. Records exhibit my expertise in the laws involved.

2. ORS 9.320 establishes laymen self-representation rights and ORS 1.002 prohibits court "rules of civil or criminal procedure," such as appellate court Rule 8.10, denial of laymen oral arguments.

3. The court's rule is repugnant to constitutional freedom of speech; petition of government; right and choice of counsel; equal privileges, immunities and protection of the law; due process of de novo review; justice without purchase; separation of powers; unalienable rights. . . .

4. It's myth that laymen cannot "enlighten the court" but lawyers know they will discover judges' political biases and incompetence.

5. Oral argument "in a legally knowledgeable manner" employs medieval flim-flam to disguise predetermined twisting of the law by excluding facts and citing changeable "precedents" or "doctrines."

6. Oral argument denial reflects lawyers' obstruction of justice to assure a courthouse monopoly, as in the case of their fixed fees and advertising restrictions.

7. The court's rulings are designed to discredit, demoralize and punish my challenge of their lawyer-guild restriction of trade monopoly. Justice be damned and my legal costs made backbreaking!

JOHN M. REED
1295 B St.
Springfield

FORUM

By Richard J. Foster

Attorney Richard J. Foster is president emeritus of the South Caroline Trial Lawyers Association.

Payment For Permanent Bodily Disability Must Be Preserved

The proposal to replace all compensation benefits with a program that would only pay a portion of lost wages for any week in which there is, in fact, lost wages, "the so called wage-loss-concept," is the most dangerous threat to the rights of the injured worker that has been attempted since the adoption of the Compensation Act.

Claiming that compensation costs have dramatically increased faster than social security payments, private pensions or unemployment compensation, the Chamber of Commerce of the United States recently stated "higher job injury benefits paid to employees explained why workmen's compensation costs increased faster than any other employee benefit over the last ten years."

The claim of increased cost is being advanced by various employers and insurance groups to introduce a well-organized and a well-financed drive to emasculate the benefits under the act with the "wage-loss-concept." This employer-sponsored "reform" is supported by the American Manufacturers Association, by the government's Inter-Departmental Task Force in its 1977 recommendation to the President, and by many of the same groups that urged federal no-fault during the past 10 years.

These groups have enlisted the support of Professor Arthur Larson who, in proposing the program to Oregon, claimed that "the payment for disability sustained by injured workers was a primary factor behind the dramatic rise in workmen's compensation costs.... The solution, of course, which has been adopted in Florida and which has been proposed in Oregon, is to go right back and say that we will pay a portion of lost wages for any week in which there is in fact lost wages.... Minimizing litigation, maximizing the streamlined administrative handling of injuries and claims, minimizing the participation of lawyers.

"When the founding fathers created workmen's compensation in this country they didn't think there were going to be any lawyers involved at all...all of it would be dispensed with under a wage loss approach, and nothing would be lost as a result. If you want to get back to a minimized involvement of lawyers and of litigation, there is only one way to go, and that is get back to the wage loss approach."

Ignored Facts

The simple solution according to professor Larson is to eliminate the lawyers and the payment for the permanent disability sustained by the injured worker. Ignored are the factors of inflation, medical costs, increased wages, and the fact that 80 percent of all compensation cases result in medical claims only with no lost time. As obviously unjust as is this concept to any person concerned with the plight of the injured worker, it would be a grave mistake on the part of the trial lawyers and any person concerned with a just and fair compensation act to ignore this threat to the right of injured employees.

Since the adoption of the compensation law more than half a century ago, trial lawyers who represent the injured workers have joined with those concerned by the inadequacy of the compensation law and, in the legislative halls as well as in the courts, have supported efforts to provide for more adequate compensation.

The adoption of the compensation act was no one-way ticket of generosity nobly provided by the employer simply to keep the worker from the relief rolls, as some advocates of the wage-loss-doctrine would argue. The employee surrendered the constitutional right to bring a tort action for any negligence of the employer and in exchange received the right to be compensated for the injury on a limited basis without the requirement of proving fault on the part of the employer. Equally important to the employer in supporting the act was the immunity from any tort action for negligence causing injury to the employee.

In the early days of compensation the remedies provided under the law did little more than keep the employee from starving and from the necessity of being placed on welfare. Life was cheap under the earlier compensation laws, with weekly compensation rates always behind the constant inflationary rise in the cost of living. Minimum payments were provided for disability. Through the years the carriers and employers have insisted on the right to select treating physicians, and employees learned that any doubtful medical questions were invariably decided in favor of management.

Claimant's attorneys, labor groups, and other concerned citizens have joined together to gradually improve the benefits of the act. Probably the most important factor in improving compensation benefits in recent years has been the threat of federal legislation.

Compensation acts have always included a schedule of disability payments for the functional loss of a body organ. Based upon this very intelligent principle that a worker who sustains a loss of an arm or a leg or an eye will sooner or later have a wage loss, the schedule was adopted. Permanent-partial disability resulted in proportionate payments. The schedule of disability payments for permanent impairment has proven so valuable in evaluating disability that every compensation act in the country until last year included a schedule for permanent-partial disability.

Back Problems

In many jurisdictions the disability to the back was not included on the schedule until it was found that a back disability, contingent upon a future wage loss, was impractical to evaluate and administer. Frequently the schedules have been amended to include the back.

Under the wage-loss concept an employee with an amputated arm or a mangled hand or a fused spine will not be paid any compensation for injury if he or she returns to any work for anyone unless he or she has sustained wage loss. If somewhere at someplace and at sometime in the future the claimant does establish a wage loss and at that time it can be attributable to the injury sustained, the worker may then recover a portion of the weekly wage loss. Little thought has been given to the administrative problems and litigation that would result from such a procedure.

Brain blowing protest

To the Editor:

In despair, Civil Rights blew its brains out, as Oregon Senate Labor Committee Chairman "Ditch" Groener and "Trick" Kulongoski embraced Workers Compensation Department Director "Robber" Green and "lawyering" Allison's Senate Bill 48, at an April 3 meeting.

SB48, if you let it pass into law, (1) opens your medical records to search and seizure without warrants or subpoena (U.S. 4th Amendment); (2) violates patients-doctor legal-ethical privacy-confidentiality; (3) voids legal liability for twisted-stressful-damaging-unauthorized medical data often drawn-up by office staffs to please paying insurance company claim closing forms; (4) enables your insurance company to stop your benefits without currently required administrative hearing due process; (5) denies the legal assumption of "innocence till proven guilty" by allowing insurance company benefit cut-offs that must be contested by claimant's lengthy appeals (a) to the insurance company ; (b) to the administrative evaluations section; (c) to an administrative re-consideration; (d) to a limited administrative hearings and (e) to the Court of Appeals; (6) shortens five year aggravation rights; (7) redefines "permanent partial disability" to reduce benefits; (8) gives WCD Director Green, who has no legal or medical training, powers to deny vocational rehabilitation; prescribe classes of Orders; deny hearing rights; limit administrative law judges findings of fact and conclusions of law and make any type of "rule" by power of his own willful "discretion." These same distructive thoughts are found in Oregon Senate Bill 304 and 478.

Associate of Oregon Industries Lawyer Karl Fredericks joined "Ditch," "Trick" and "Robber" at the Senate Labor Committee coffee-bar without notice of Civil Rights brain blowing protest. Why?

JOHN M. REED
1295 B St.

'Meaning' of law

To the Editor:

The Oregon Court of Appeals says it is "the final state authority as to the interpretation of those rules and statutes in cases of dispute as to their meaning or application . . ."

This was a rejection of my demands to (1) know the names of the judges judging my case; (2) receive a ruling on my motion to have oral argument of my case; (3) receive a ruling on the jurisdiction question of circuit court review rights vs. appellant court rights before beginning a brief on the merits of the case. . .and so on.

In other words, the court of appeals feels it can ignore the rule of law by saying it can elect to ignore it by giving it new "meaning" at any given time. To hell with the dictionary and spirit of justice!

It's clear that I have the right to know who judges me; I have the right to orally argue my cause; I have the right to jurisdictional questions being resolved before the merits of a case; and I have the right to be judge by the rules-principles of law, not men's whims!

Here it is, right out in the open. Political appointees running our courts to suit their own desires. Men above the law because they rule on the "meaning" of the law! Legal obstruction and power abuse!

What do you do when a city full of people know so little of the law that the foregoing denial of due process rights has no meaning to them other than the corrupted "meaning" being given by political hacks running our court of appeals?

My constitutional rights are certainly going down the drain, but worse than that, no one gives a damn, so let's not pretend we have "justice" in this police state. . .or the guts to demand it!

JOHN M. REED
1295 B St.

Bill's purposes

Oregon Senate Bill 522 abolishes Workers' Compensation Director Roy Green's imperial authority over Oregon's Workers' Compensation Board; precludes Field Services Division's rushing of medical care; prohibits insurance company reductions or offsets against compensation benefits; repeals laws that force injured to supply family tax, Social Security and confidential medical information to private insurance companies; restores Circuit Court review of Workers' Compensation Board administrative hearings; authorizes both business and employer to economical non-lawyer representation; stops insurance company re-examinations that continually place claims in a merry-go-round of litigation; takes burden of proof from the injured worker and relates permanent total disability awards to actual limitations of finding work, rather than finding claimants "medically stationary" and hypothetically able to work, while knowing insurance company's advice against rehiring back injured workers; eliminates interference with claimant's physician by establishing his professional right to determine the extent, type and length of medical care.

SB 522 additions would reduce premiums to about $1 a day per insured by (1) creating a state insurance monopoly; (2) selling all existing administrative-insurance properties; (3) consolidating all compensation functions in Salem's Labor and Industries Building; and (4) simplify administrative processes to exclude two-thirds of existing professional, managerial, clerical costs.

SB 522 is a product of my mind to protect the small businessman against insurance company profiteering and assure the consumer will not be destroyed by industrial accident costs, but the bill requires your support!

JOHN M. REED
1295 B St.
Springfield

REGISTER-GUARD, Eugene, Ore., Thursday, March 29, 1979

SPRINGFIELD (ORE.) NEWS, TUESDAY, MARCH 20, 1979 15

Bills b

REGISTER-GUARD, Eugene, Ore., Tuesday, March 20, 1979

SALEM — A variety of bills introduced by Lane County legislators have surfaced in the lists of newly printed legislative proposals. They are:

● HB 2780, by Rep. Nancie Fadeley, D-Eugene — Would exempt commercial gasohol plants from property taxation and corporate income tax through June 1981.

● HB 2887, by Rep. Grattan Kerans, D-Eugene (at the request of John J. Kaufman) — Would require the Department of General Services to equip police departments, fire departments and hospitals with devices to facilitate communication with hearing-impaired persons. Would also authorize the department to resell such devices to hearing-impaired persons at reduced prices.

● SJR 26, by Sen. Edward Fadeley, D-Eugene (at the request of David W. Brown) — Would amend the state constitution, upon voter approval, to delete the provision withholding voting privileges from idiots and mentally diseased persons.

● SB 720, by Sen. Fadeley — Would require that ballot title include a question which plainly states the purpose of the measure being voted upon and to require that the question be phrased so that an affirmative response corresponds to a "yes" vote on the measure.

● SB 522, by Sen. Fadeley (at the request of John M. Reed) — Would abolish the state Workers' Compensation Department and the department's directorship and would restore the administrative authority of the Workers' Compensation Board. It also would modify procedures for determining the payment for total disability, would prohibit reductions or offsets against compensation awards, reinstate judicial review of board determinations and would authorize worker representation by persons who are not attorneys.

Size 8 0"

Handballer's problem

akes

Hatch moves to stop 'therapy' education OR. 9/6/78

By JAMES J. KILPATRICK

WASHINGTON — Twenty or 30 years ago, the Hatch amendment would have been regarded as inconceivable. Even five or 10 years ago, few persons would have understood "behavior modification" in the public schools. But it is a measure of the weird goings-on in public education that last week the Senate understood perfectly what Sen. Orrin Hatch of Utah had in mind.

KILPATRICK

The senator was determined to crack down on the arrogant curiosity of a gaggle of crackpot psychologists who have invaded the public schools. With the eloquent support of Sen. S.I. Hayakawa of California, Hatch succeeded in writing into the pending Elementary and Secondary Education Act an amendment that will put on the brakes. There wasn't a dissenting vote.

The Hatch amendment applies to every public school receiving federal aid, which is to say, to every school in the country. It says bluntly that "no student shall be required, as part of any applicable program, to submit to psychiatric examination, testing or treatment, or to psychological examination, testing or treatment, without the prior consent of the parent."

The ban will apply to tests or questionnaires that deal with political attitudes, sexual attitudes and intra-family relationships. No child may be interrogated, without his parents' permission, on any mental or psychological problems "potentially embarrassing to the student or his family."

Here and there, we may suppose, a few ultra-sophisticated parents will agree to putting their children through a sexual inquisition. In such an event, the parents and the inquisitors will deserve each other.

The overwhelming majority of parents, said Sen. Hatch, will refuse to feed the prurient curiosity of the intellectual Peeping Toms.

In his remarks to the Senate last week, Hatch cited as a typical example a sex education program in Wisconsin that starts at the kindergarten level. In this "pre-evaluation training," children as young as 10 are told how to get an abortion. He could have cited a hundred other programs that involve invasions of privacy.

One questionnaire sent me from California asks of fifth-grade boys: "Do you often play with your penis?" The same questionnaire asked of little girls: "Do you often see your father with no clothes on?"

Hayakawa, in his remarks to the Senate, inquired rhetorically how such attitudinal tests ever got to be a part of public education. It is the result of a flourishing heresy, he said, a heresy that rejects the idea of education as the acquisition of knowledge and skills. Instead, the heresy regards the fundamental task of education as therapy.

"Everyone, it is believed, is to some extent neurotic because of repression, inhibition, reaction formation, symbolic displacement or whatever. Everyone, therefore, needs diagnosis, to examine the extent and seriousness of his or her illness. Everyone, it hardly needs to be said, needs to be straightened out.

"To inquire into the sexual attitudes and beliefs of 8-year-olds," Hayakawa continued, "to probe into their psychic and emotional problems, real or imagined, rather than into the level of their intellectual achievements — these are serious invasions of privacy.

"And messing around with the psyches of young people does not stop with testing and inquiries. There are exercises in psycho-drama, role-playing, touch therapy, encounter groups and other psychological games that have no academic significance whatsoever."

Assuming the Hatch amendment sticks in the bill as finally enacted, the states and localities might create enforcement mechanisms of their own.

It could be required, for example that copies of every proposed examination be deposited in some public office for press and public inspection. Appropriate penalties could be prescribed for teachers who administer tests without first seeking informed approval from parents. Principals who failed to obey the Hatch amendment could be held responsible for the loss of federal funds.

I get angry letters from parents about these bizarre incidents, but I don't get nearly enough angry letters. Parents are too docile, dumb or brainwashed. We ought to get mad at the behavioral boys who would cure our children of non-existent illness. And we ought to stay mad.

Kilpatrick is former editor of the Richmond (Va.) News Leader.

Bad bill

Oregon Senators Groener, Kulongoski, Hanlon, Hannon, Smith, Trow and Wingard's Senate Labor Committee favor S.B. 48.

Senate Bill 48, if you let it pass into law, (1) opens your medical records to search and seizure without warrants or subpoena; (2) violates patient-doctor legal-ethical privacy-confidentiality; (3) voids legal liability for release of stressful-twisted-damaging medical reports by office clerks; (4) enables insurance companies to unilaterally stop compensation and place burden of proof upon claimant; (5) creates a series of compensation stalling administrative reviews that reverse the assumption of "innocence until proven guilty" and "due process"; (6) redefines "permanent partial disability" to reduce benefits; (7) shortens five year aggravation rights; (8) denies rehabilitation services; (9) empowers Workers' Compensation Department Director Roy Green to make "rules" that limit lawyers', doctors' and claimants' administrative-judicial hearings by his own "discretion."

And Senator Kulongoski assured psychologists they would have equal standing with physicians in S.B. 48, although Frey vs. Willamette Industries 13 Or. App. 449 (1973) said claimants should not be forced to psychological testing. And I say psychologists are "sicker" than their customers; rely on discredited testing methods; are not medically trained in the healing arts; and usually cannot be held responsible for damaging reports, designed to close insurance claims, because they are professional "opinions."

If Senate Bill 48 passes, you can bet the lawyers, psychologists and other "professionals" will not lose, but you will!

JOHN M. REED
1295 B St.
Springfield

REGISTER-GUARD, Eugene, Ore., Friday, April 13, 1979

OR. 6/14/78

Inventor raps use of IQ tests

BURLINGAME, Cali (AP) — The man wh helped invent the moder IQ test 60 years ago say the vaunted yardstic doesn't really measure i telligence at all. Instea says Samuel Kohs, th test assigns an arbitrar score based on a limite measure of a person.

"This is outrageous, Koh, 88, said, adding thi the test is used to haras and label children.

"What is this thin called intelligence?" Koh asked in an interview. " has never been adequat ly defined. If we stud monkeys, we measur monkey intelligence, an dogs, dog intelligence.

"But what is human i telligence? Our tests f cus on such narro things, the ability to a quire knowledge," sai Kohs, who is writing book charging that th test is used to destroy child's uniqueness an excitement about learn ing.

The Kohs Block Tes in which the subjec turns and arranges block to match various patterr on printed cards, is an i tegral part of the widel used IQ test.

It is considered one c the most culture-fre tests and supposedl correlates the speed an accuracy with which subject matches patterr with abstract reasonin ability.

More than $3 million went for lobbying

Utilities, public agencies biggest spenders

By JIM CHURCH
Of the Associated Press

SALEM (AP) — More than $3 million was spent last year in trying to influence the Oregon Legislature and state agencies, and utilities and public agencies were the biggest spenders.

Reports filed with the Oregon Government Ethics Commission and made public Friday showed state agencies spent $300,000 on lobbying and testifying before legislative committees.

Counting expenses by groups representing local governments and schools, a half-million dollars in public funds went toward lobbying.

Successes for cities and counties included increased state revenue sharing and a larger percentage of state funds for the courts.

The annual reports by employers of lobbyists did not list the legislation lobbyists tried to influence, nor did they report the names of legislators entertained by lobbyists.

The legislators are named, however, in monthly and quarterly reports by the 450 lobbyists active during the 1977 Legislature.

The reports reflected salaries, retainers, and expenses. Some of the expenses cover lobbying before state agencies and interim committees after the regular legislative session ended.

In many cases, the lobbyists did not back or oppose a major bill, but just observed and reported on bills of interest to their clients. Much of the lobbying by state agencies involved testifying on budgets.

Among major legislation favorable to the utilities was a bill intended to speed the siting process for power plants. Utilities also were called on to testify on dozens of bills related to energy conservation. Their expenses:

Portland General Electric Co., $101,128; Pacific Northwest Bell Telephone, $37,027; Pacific Power and Light Co., $40,374; Northwest Natural Gas, $9,179; General Telephone of the Northwest, $9,000; Eugene Water and Electric Board, $9,300; League of Publicly Owned Electric Utilities of Oregon, $5,022; and Oregon rural Electric Co-op Association, $11,000.

Citizens of Oregon for Denturism, which supported a bill to allow dental technicians to sell false teeth directly to customers rather than through a dentist, spent $34,519. The Oregon Dental Association, which opposed the bill, spent $18,751. The bill was defeated.

Other large expenditures were by insurance companies, grass seed growers and banking institutions.

Legislation favorable to those groups made automobile liability insurance mandatory, raised the maximum home loan interest rate to 12 percent and increased the acreage for burning of grass seed fields.

Insurance companies also were involved in changes in worker's compensation laws.

School administrators worked for a measure, rejected by the voters, to increase tax levies despite voter rejections of the increase. The Legislature approved large increases in state funds for schools.

The Association of Oregon Counties reported lobbying costs of $18,000; League of Oregon Cities, $16,360; Associated Students of the University of Oregon, $14,438; Associated Students of Oregon State University, $4,520; Conference of Oregon School Administrators, $23,700; city of Eugene, $25,000 (primarily for opposition to bond bearing); Multnomah County, $78,668; Portland School District, $15,940; city of Portland, $14,727; Port of Portland, $20,764; Portland Chamber of Commerce, $14,487; city of Salem, $7,431; Tri-Met Transportation District, Portland, $20,840; Washington County, $7,495; Oregon Education Association (teachers), $16,500; Oregon Federation of Teachers, $5,192; Oregon School Boards Association, $40,000; and Tri-County Water District Association, Portland, $6,200.

Spending by state agencies showed the departments of energy $17,000, education $9,042, commerce $20,250, human resources $18,857, Bureau of Labor $24,534, Board of Higher Education $44,522, Department of Fish and Wildlife $27,822, Department of Environmental Quality $18,519, Adult and Family Services (welfare) $17,944, Department of Transportation $14,825, and Oregon State Bar $17,000.

The insurance lobby reported these expenses:

Alliance of American Insurers $8,900; American Insurance Association $5,981; Employer Insurance Industrial Services Co. $18,336; Farmers Insurance $9,200; Independent Insurance Agents of Oregon $8,250; North Pacific-Oregon Auto Insurance Cos. $16,000; Standard Insurance Co. $10,150; State Farm Mutual Auto Insurance $20,561; Oregon Mutual $14,178; Oregon Life Underwriters Association $5,500; Oregon Workers Compensation Federation $17,375; and Safeco Insurance Co. $5,500.

The Oregon Newspaper Publishers Association, which lobbied unsuccessfully for a tougher open meetings law and access to criminal records, but got exemption of newspaper carriers under 18 from worker's compensation coverage, spent $10,000.

The grass seed lobby — Oregon Seed Trade Association and Oregon Seed Council, spent $12,375 and $12,633, respectively.

Spending by banks and savings and loan institutions included Oregon Savings and Loan League, $33,933; Equitable Savings and Loan, $5,718; First National Bank of Oregon, $25,048; Oregon Bankers Association, $11,774; Oregon Bank, $7,772; and U. S. Bancorp., $27,900.

Oil companies spent substantial sums although there was no major legislation involving oil companies.

Atlantic Richfield spent $21,300; Chevron $21,000, Exxon $5,300, Gulf $5,328, Mobil $12,124, Shell $15,000, Texaco $14,700, and Union Oil, $12,000.

Other large expenses were:

Associated Oregon Industries, $71,000; Boise Cascade, $37,671; Blue Cross of Oregon, $28,500; Crown Zellerbach, $11,281; Chemical Specialties Manufacturers Association, $10,000 (in part on opposition to the aerosol spray ban); Fred Meyer Inc., $21,567; Minnesota Mining and Manufacturing Co., $13,110; Siuslaw Picture Association of America, $22,200; Pacific Gas Transmission Co., San Francisco, $10,000; Reynolds Aluminum, $13,500; United Transportation Union, Eugene, $17,290; Weyerhaeuser Co., $45,270 (the company supported a change in the timber tax, which passed); Oregon Association of Hospitals, $14,450; Oregon Association of Chiropractic Physicians, $13,400; Oregon Kaiser Foundation Association, $21,167; Oregon AFL-CIO, $25,000; Nat. al Electrical Contractors Association, $12,943; Associated General Contractors, $23,700; Oregon Food Processors Council, $13,697; Oregon Medical Association, $28,200; Oregon Railroad Association, $14,900; Oregon Restaurant and Beverage Association, $13,418; Oregon Physicians Service, $13,500; Oregon Nurses Association, $14,900; Oregon State Homebuilders, $28,000; Oregon State Employers Association, $13,000; and Oregon World Trade Council, $11,277.

International Business Machines, one of the nation's largest companies, had an Oregon lobbyist but reported no expenses.

Gas-o-matic Systems, Albany, spent $10,000 in an unsuccessful effort to get a law allowing self-service gasoline stations in Oregon.

Developer Gordon Martin spent $5,100 in pushing a bill to allow a tax credit. The bill was passed but was vetoed by the governor.

TO DENY THIS UPSTANDING GENTLEMAN HIS RIGHT TO MAKE CAMPAIGN CONTRIBUTIONS IS TO DENY HIM FREE SPEECH, BECAUSE WE ALL KNOW MONEY TALKS!
NEXT CASE!
LA SUPERIOR COURT
FPPC
FAIR POLITICAL PRACTICES COM
LOBBYISTS

LA Judge Rules California Political Reform Act Unconstitutional
news item

Workers' comp director okayed

SALEM (AP) — Roy G. Green of Salem was confirmed Thursday by a Senate committee as director of the new Oregon Workers' Compensation Department after he agreed to put his insurance stock into a trust.

The Senate Committee on Executive Appointments approved Green, 4-1, with Sen. John Powell, D-Halsey, dissenting.

Green, 60, holds 4 per cent of the stock in Employes Benefits, Inc., a holding company for Employe Benefits Insurance Co.

The stock is not now available for public purchase, Green said, but will be within two years and will have a potential value of $450,000 to $600,000. He said he planned to sell the stock when it reaches that value.

Green's company is the largest private insurer of worker's compensation in the state. The firm competes with the state worker's insurance agency, the State Accident Insurance Fund (SAIF).

The Workers' Compensation Department determines awards to injured workers, and administers state laws on job safety and worker rehabilitation.

However, appeals of award determinations will continue to be handled by the referees and the worker's compensation board.

R. B. Chance, current director of the board, will retire at the end of the year.

Powell said he voted against Green's confirmation because "I have some very serious concerns about his holdings in this company."

Green also is a director of Salem Radio Station KGAY.

Green is a former general manager of the Arizona state workers' compensation fund and has worked for the Oregon worker's compensation board and the former Oregon State Industrial Accident Commission.

REGISTER-GUARD, Eugene, Ore., Thursday, August 25, 1977

Roy Green gets new state post

SALEM, (UPI) — Roy Green was appointed as director of the new Worker's Compensation Department Wednesday and received the praise of both management and labor.

Green, 60, was appointed by Gov. Bob Straub, effective Sept. 1, to the department created by the 1977 legislature.

He is currently president of Workmen's Compensation Advisors, Inc., a firm specializing in actuarial consulting for self-insured employers, and is chairman of the Associated Oregon Industries (AOI) Workmen's Compensation Committee.

He was recommended by AOI, Oregon's largest business lobby, for the position.

Green also had the backing of Oregon's Joint Council of Teamsters.

While Oregon AFL-CIO had sponsored another candidate for the post, President Bob Kennedy said, "It is an extremely important job and any other person, without the background Roy has, would find it an almost impossible one to accomplish."

Green was, for 17 years, actuary and executive secretary of the State Industrial Accident Commission. He was later assistant manager and actuary of the State Accident Insurance Fund for four years. He resigned to become general manager of the Arizona State Compensation Fund and, in 1970, he and two others founded Employe Benefits Insurance Co., a private worker's compensation carrier.

Green, noting a possible conflict of interest, said he would put his holdings into a blind trust during his tenure as director of the new department.

As director, he will be responsible for the administration and supervision of occupational accident and disease prevention and rehabilitation and the enforcement of the worker's compensation law.

The legislature, as part of its worker's compensation reform package, reorganized the former three-member Worker's Compensation Board to provide for the new department and director.

In making the appointment, Straub said, "I have known Roy Green for many years and consider him to be one of the state's outstanding managers."

TO THE EDITOR:

Oregon Workmen's Compensation Laws limit employers' liabilities, define workers' benefits; and create a semi-judicial dispute tribunal, along with a separate compliance division, evaluation division, accident prevention division, disability prevention division, and administrative services division...designed to replace costly courtroom pleading and practice forms and intended to cause the cost of injury to be placed upon that product-service that brought said injury about.

This is not a public tax supported welfare program and the employer can buy his employees' job-accident insurance from any company he wants, but all companies must protect workmen against wage, medical, rehabilitation and death loss to the degree spelled-out in Oregon's Workmen's Compensation Laws. And all parties' rights are to be protected by the aforementioned regulation activities of the Oregon Workmen's Compensation Board, soon to be known as the "Workers' Compensation Department" (has a nice Russian ring, does it not?), which brings me to the thrust of this letter to the editor: Your 1977 Oregon Legislative Assembly has sold-out your job-injury protections to the Associated Oregon Industries (employer-insurer-lawyer) lobby and the free press has closed their mouths about it because of advertising revenues and promise of lower insurance rates.

The destructive legislation I refer to is set-out in Senate Bills 1048 and 1050, which were passed through (insurance agent) Dick Groener's Senate Labor Committee and (lawyer) Ted Kulongoski's House Labor Committee. (Kulongoski has now been appointed to fill Betty Browne's vacated Senate Seat, which the press said would be his award if he let SB 1048 and 1050 out of his committee, rather than table them.) Senate Bill 1050 empowers a Director, Roy Green, a past insurance company executive, to run a newly created Oregon Workers' Compensation Department; limits past functions of the Board; eliminates circuit court review of Department rulings; and otherwise destroys the old Oregon Workmen's Compensation Board throughout a 24 page legislative legal act that ends with an "emergency clause" designed to stop the public's Referendum Petition rights, which in turn would put said SB 1050 up to a vote of the people...but all is not lost, we can still try to repeal the law or await the next legislature to enact new laws (of course we will vote-out the old dirty-hands).

Senate Bill 1048 redefines a permanent disability to exclude anyone hypothetically able to perform work by past experience, training or rehabilitation; burdens worker to prove willingness and effort to seek work; allows a yearly search of workers' private records; enables insurance company's doctor re-examinations of injured worker continually; causes injured workmens' federal and state tax records to be secured by the Worker's Compensation Department and private insurers; reduces state accident insurance benefits by that amount received from social security; requires the injured signed releases for said federal information to be supplied to said Department; sets up a workers' penalty for non-compliance and insists they file for social security benefits; and provides that the new laws become retroactive to include every injured workman in the State of Oregon shock waves.

In practice, the current laws are bad enough, and rather than dwell on the technical excluding nature of the newly created laws (S.B. 1048), let me point out legal rights that are being violated by Senate Bill 1048:

1. By allowing insurance companies to dispute a claim with hypothetically job ability arguments, the injured party is exposed to much litigation and little chance of gaining an award, while the laws of contract (employer-employee-insurer) are negated.

2. The burden of proving desire and willingness to work fails to acknowledge the injured workers' depressed state of mind; inability to compete in job markets designed for hiring the healthy; physical limitations; and prejudice of employers against hiring the handicapped because insurance companies tell them not to.

3. Continual re-examinations of the injured, by medical quacks, will cause the injured to lose disability status and add mental stress-anguish to their physical problems.

4. State laws that allow for the invasion of personal documents and tax records are contrary to Amendment 4; U. S. Constitution, which states that "The right of the people to be secure in their person, house, papers, and effects...shall not be violated...."

5. Reducing state accident benefits by amounts received through federal social security awards (a) violates Article 6, U. s. Constitutional provisions that binds every state judge to uphold Congressional Acts over state acts (social security was created by a 1936 Act of Congress and cannot be diminished by state laws); (b) disciminates against those who payed into social security versus those who did not; (c) discriminates against those covered by social security versus other pensions, health insurance and service-connected coverage awards; (d) shifts the cost of paying injured workmen from Oregon's insurance industry to the federal government's social security system (injured must file for social security by SB 1048 law).

6. Allows for automatic punishment of injured workers who refuse to release heretofore private family tax information; makes one file for social security benefits (although up to now the injured workman was denied the right to enter social security disability findings into evidence to prove his state workmen's compensation injury claim); and makes S.B. 1048 retroactive although Section 9, Article I, U. S. Constitution forbids ex post facto laws. And the laws of contract deny one's ability to unilaterally change the terms of an on-going accident insurance agreement (the worker pays a small sum into the system per O.R.S. 656.506), as intended by S.B. 1048.

At any event, what can you do to stop S.B. 1048 from automatically becoming law on October 4, 1977?

You can contact and join the undersigneds' REFERENDUM PETITION drive for the collection of over 30,000 signatures, that must be in by October 3, 1977, to stop S.B. 1048 from becoming law before we the people have a chance to vote for or against it at our next general election, November 7, 1978.

Come on...join us and do something about lives, rather than say nothing can be done!

John M. Reed
1560 Lincoln St., #30
Eugene, Oregon 97401